UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN: Judge Wm. Terrell Hodges United States District Court Middle District of Florida

MEMBERS: Judge John F. Keenan United States District Court Southern District of New York

Judge D. Lowell Jensen United States District Court Northern District of California

Judge J. Frederick Motz United States District Court District of Maryland Judge Robert L. Miller, Jr. United States District Court Northern District of Indiana

Judge Kathryn H. Vratil United States District Court District of Kansas

Judge David R. Hansen United States Court of Appeals Eighth Circuit DIRECT REPLY TO:

Michael J. Beck Clerk of the Panel One Columbus Circle, NE Thurgood Marshall Federal Judiciary Building Room G-255, North Lobby Washington, D.C. 20002

Telephone: [202] 502-2800 Fax: [202] 502-2888

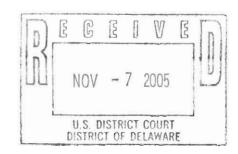
http://www.jpml.uscourts.gov

November 4, 2005

Elizabeth Paret, Clerk Albert V. Bryan U.S. Courthouse 401 Courthouse Square Alexandria, VA 22314-5798

Re: MDL-1705 -- In re Xybernaut Corp. Securities Litigation 54.6

(See Attached Schedule A of Order)



Dear Ms. Paret:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A copy of Rule 1.6 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 428 (2001), which deals specifically with the transfer of files, is enclosed for your convenience. Also enclosed are a complete set of the Panel <u>Rules</u> and a copy of Chapter 7 of Volume 4 of the <u>Clerks Manual</u>, <u>United States District Courts</u>.

The Panel Clerk's Office maintains the only statistical accounting of multidistrict litigation traffic in the federal courts. These statistics are used by the Administrative Office of the United States Courts and the Judicial Conference. Therefore, your cooperation in keeping the Panel advised of the progress of this litigation would be appreciated. We are particularly interested in receiving the docket numbers assigned to each transferred action by your court; the caption and docket numbers of all actions originally filed in your district; and copies of orders regarding appointment of liaison counsel, settlements, dismissals, state court remands, and reassignments to other judges in your district.

Your attention is also directed to Panel Rule 7.6, regarding termination and remand of transferred actions. Upon notification from your court of a finding by the transferree judge that Section 1407 remand of a transferred action is appropriate, this office will promptly file a conditional remand order.

For your information, I am enclosing a copy of the Panel Attorney Service List.

Very truly,

Michael J. Beck Clerk of the Panel

Enclosures

cc w/all enclosures (Chapter 7 of Volume 4 of the Clerks Manual, U.S. District Courts, Rule 1.6, R.P.J.P.M.L., transfer order, Panel Attorney Service List, and complete Panel Rules):

Transferee Judge: Judge Leonie M. Brinkema

cc w/order only:

Transferee Chief Judge: Judge James R. Spencer

cc w/order and Rule 1.6, R.P.J.P.M.L.:

Transferor Clerk(s): Peter T. Dalleo

Transferor Judge(s) Judge Sue L. Robinson